

ASSEMBLY BILL

No. 1954

Introduced by Assembly Member Vargas

February 12, 2004

An act to amend Section 32282 of the Education Code, relating to school safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 1954, as introduced, Vargas. School safety plans.

Existing law makes a school district and a county office of education responsible for the overall development of all comprehensive school safety plans for school operating kindergarten or any of grades 1 to 12, inclusive. A school safety plan is required to include routine and emergency disaster procedures.

This bill would require the routine and emergency disaster procedures to include a uniform lock down plan approved by the local law enforcement agency and would require a school district to ensure that school administrators conduct regular lock down drills for school personnel and pupils with law enforcement and other emergency responders, thereby imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 32282 of the Education Code is
2 amended to read:

3 32282. (a) The comprehensive school safety plan shall
4 include, but not necessarily be limited to, the following:

5 (1) Assessing the ~~current~~ status of school crime committed on
6 school campuses and at school-related functions.

7 (2) Identifying appropriate strategies and programs that will
8 provide or maintain a high level of school safety and address the
9 school's procedures for complying with existing laws related to
10 school safety, which shall include the development of all of the
11 following:

12 (A) Child abuse reporting procedures consistent with Article
13 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of
14 Part 4 of the Penal Code.

15 (B) Disaster procedures, routine and emergency including, but
16 not limited to, adaptations for pupils with disabilities in
17 accordance with the American with Disabilities Act of 1990 (42
18 U.S.C. Sec. 12101 et seq.) *and a uniform lock down plan approved*
19 *by the local law enforcement agency. A school district shall ensure*
20 *that school administrators conduct regular lock down drills for*
21 *school personnel and pupils with law enforcement and other*
22 *emergency responders.*

23 (C) Policies pursuant to subdivision (d) of Section 48915 for
24 pupils who committed an act listed in subdivision (c) of Section
25 48915 and other school-designated serious acts which would lead
26 to suspension, expulsion, or mandatory expulsion
27 recommendations pursuant to Article 1 (commencing with
28 Section 48900) of Chapter 6 of Part 27.

29 (D) Procedures to notify teachers of dangerous pupils pursuant
30 to Section 49079.

31 (E) A discrimination and harassment policy consistent with the
32 prohibition against discrimination contained in Chapter 2
33 (commencing with Section 200) of Part 1.



(F) The provisions of any schoolwide dress code, pursuant to Section 35183, that prohibits pupils from wearing “gang-related apparel,” if the school has adopted such a dress code. For those purposes, the comprehensive school safety plan shall define “gang-related apparel.” The definition shall be limited to apparel that, if worn or displayed on a school campus, reasonably could be determined to threaten the health and safety of the school environment. Any schoolwide dress code established pursuant to this section and Section 35183 shall be enforced on the school campus and at any school-sponsored activity by the principal of the school or the person designated by the principal. For the purposes of this paragraph, “gang-related apparel” shall not be considered a protected form of speech pursuant to Section 48950.

(G) Procedures for safe ingress and egress of pupils, parents, and school employees to and from school.

(H) A safe and orderly environment conducive to learning at the school.

(I) The rules and procedures on school discipline adopted pursuant to Sections 35291 and 35291.5.

(J) Hate crime reporting procedures pursuant to Chapter 1.2 (commencing with Section 628) of Title 15 of Part 1 of the Penal Code.

(b) It is the intent of the Legislature that schools develop comprehensive school safety plans using existing resources, including the materials and services of the partnership, pursuant to this chapter. It is also the intent of the Legislature that schools use the handbook developed and distributed by the School/Law Enforcement Partnership Program entitled “Safe Schools: A Planning Guide for Action” in conjunction with developing their plan for school safety.

(c) Grants to assist schools in implementing their comprehensive school safety plan shall be made available through the partnership as authorized by Section 32285.

(d) Each schoolsite council or school safety planning committee in developing and updating a comprehensive school safety plan shall, where practical, consult, cooperate, and coordinate with other schoolsite councils or school safety planning committees.

(e) The comprehensive school safety plan shall be evaluated and amended, as needed, by the school safety planning committee

1 no less than once a year to ensure that the comprehensive school
2 safety plan is properly implemented. An updated file of all
3 safety-related plans and materials shall be readily available for
4 inspection by the public.

5 (f) The comprehensive school safety plan, as written and
6 updated by the schoolsite council or school safety planning
7 committee, shall be submitted for approval under subdivision (a)
8 of Section 32288.

9 SEC. 2. Notwithstanding Section 17610 of the Government
10 Code, if the Commission on State Mandates determines that this
11 act contains costs mandated by the state, reimbursement to local
12 agencies and school districts for those costs shall be made pursuant
13 to Part 7 (commencing with Section 17500) of Division 4 of Title
14 2 of the Government Code. If the statewide cost of the claim for
15 reimbursement does not exceed one million dollars (\$1,000,000),
16 reimbursement shall be made from the State Mandates Claims
17 Fund.

